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GROUP 3600

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/083,263
Filing Date: February 25, 2002
Appellant(s): VACCARELLI ET AL.

Jeannette M Walder
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/20/05 appealing from the Office action mailed

6/20/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Sakakibara et al in US Patent Number 6,564,227

Goldband et al. in US Patent Number 6,434,532

Examiner submits US Publication Number US 2002/0087882 A1 to Schneier et al. in

support of the Official Notice taken to reject claim 20. A full description is provided in section

10) Response to Argument subsection 2. a)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-9 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sakakibara et al in US Patent Number 6,564,227 (hereinafter '227) in view of Goldband et al. in

US Patent Number 6,434,532 (hereinafter '532).

Claim Map for Independent Claim 1	
A query module:	
for automatically sending a query to a customer as to whether the customer has any problems with goods or services provided by the provider that have not been resolved to the customer's satisfaction,	'227 – column 1, lines 42-48; column 3; lines 21-24 and column 4, lines 61-65. Examiner notes that an information acquisition setting part represents sending queries to the user. Examiner further notes that '227 teaches collecting usage and quality data of a product supplied by a supplier. Quality data represents whether the customer has problems. Examiner further notes that while '227 teaches

		collecting and storing query information the reference is silent as to how this information is collected (i.e. not through a user interface, as in the claimed invention).
	according to a predetermined schedule and	'227 – column 3, lines 21-24 and column 9; lines 34-36 and column 18, lines 57-63
	for receiving responses from customers to the queries,	'227 - column 4, lines 61-67: Examiner notes that in order to store the usage and quality information the system MUST receive response to the queries.
	wherein a query includes a user interface for receiving response input from a user	'532 – Figure 7 and column 8, lines 21-24
An analysis module:		
	For analyzing response from customers to identify a customer problem	'227 column 3, lines 48-52
	For sending the identified customer problem to a problem solver module for resolution by a problem solver	'227 column 3, lines 48-56
	and for tracking status of the identified customer problem	'227 column 18, lines 15-27 and Figure 7
At least one problem solver module:		
	For receiving an identified customer problem from the analysis module,	'227 column 3, lines 57-61
	for transmitting the identified problem to a problem solver, for receiving a solution to the identified customer problem from the problem solver and	'227 column 4, lines 7-14 and column 5, lines 57-61
	for transmitting the solution to the customer	'227 column 4, lines 11-14
wherein, upon transmission of the solution to the identified customer problem to the		'227 column 18, lines 15-27 and Figure 7 (step 31).

customer, the problem solver module notifies the analysis module of the solution and the analysis module causes the query module to send a query to the customer requesting verification that the problem has been solved.	Examiner notes that determining whether or not the device is restored from the fault represents verification that the problem has been solved. In addition, Examiner took Official Notice that such verification is old and well known in the art.

Also included is a copy of the rejection as found in the Final Office Action mailed 6/20/05 (see below):

'227 teaches a customer support system in which a customer support center collects usage information and quality information on a customer device. The customer support center stores part or all of the information and uses the information for supporting the customer (column 4; line 61 – column 5; line 3). Examiner notes that the exemplary method described in this section does not specifically mention how the usage and quality data are collected, just that they are collected.

'227 further teaches that the customer support center remotely sets data which the customer device should transmit or the time at which the device should transmit (column 9; lines 34-36 also column 3; lines 20-25). Examiner notes that this feature represents automatically querying the customer at a predetermined time as to problems with goods. The data sent from the device represents receiving information from a customer to the query.

'227 also teaches when receiving fault information, the customer support center reports the matter to customer information system in charge of maintenance and/or management of the customer device (column 2; lines 31-34). Examiner notes this represents analyzing the response

received from the customer, determining that a problem exists and transmitting to a problem

solver.

'227 teaches the customer information system in charge of maintenance after confirming

that a problem exists provides instructions for repair or manages progress of the state from the

reception of the problem to restoration (e.g. column 4; lines 10-20). Examiner notes that this

represents transmitting a solution to the customer.

Stated previously by Examiner, the exemplary method of '227 does not specifically detail

how usage and quality data are collected. This includes collection via a user interface, including

user interaction.

'532 teaches interactive customer. The invention of '532 includes a software agent

installed on a customer's computer and a server machine (see column 1, lines 59-61). A rules

engine causes instructions carrying a message targeted specifically toward a customer to be

downloaded to the agent (column 2, lines 7-13). '532 teaches one of these rules being the

presentation of a survey to a customer after a specified time period within an interactive user

interface (see column 8, lines 20-25 and Figure 7). Further '532 teaches one of the exemplary

uses of the invention is technical support (column 2, line 24-27).

Examiner asserts that it would have been obvious to one of ordinarily skill in the art at

the time of the invention to modify the system of '227 to include a open-ended survey (query)

sent on a periodic basis (i.e. once a month or once a week) as taught by '532. One of ordinary

skill in the art would have been motivated to combine the references in order to provide increase

technical support.

'227 does not teach sending a query to the user requesting verification that the problem

has been solved. Examiner took Official Notice in the Office Action mailed 12/23/03 that it is

old and well known in the art to send "follow-up" queries to customers in order to verify that the

work performed was done to the customer's satisfaction. This old and well-know Official Notice

statement is being treated as admitted prior art as it was not traversed by Appellant. It would

have been obvious to a person of ordinary skill in the art at the time the invention was made to

modify the system of '227 to schedule an additional query right after a fault has been handled in

order to verify that the problem has been resolved to the customer's satisfaction.

As further evidence of that this features is in fact old and well known in the art Examiner

relies upon US Publication Number US 2002/0087882 A1 to Schneier et al. page 7, paragraph

0096.

(10) Response to Argument

1. Claims 1-9, 19-20

a. Sakakibara does not send open ended queries to customers: Sakakibara queries devices

Examiner also notes that the claim language does not support Appellant's interpretation

of an "open-ended query." The claim states, "a query as to whether the customer has any

problems with goods or services provided by the provider that have not been resolved to the

customer's satisfaction." Based on the broadest reasonable interpretation of this limitation, any

query about the "quality" of the good or service (i.e. whether the customer has problems that are

unresolved) would meet this limitation. Since the system of Sakakibara queries a good for

quality information, Examiner asserts that Sakakibara at the very least suggests the broadest

reasonable interpretation of this limitation.

Assuming that this interpretation is wrong, Examiner still believes Sakakibara at the very

least suggests user interaction/querying. In particular, even if the primary intent of Sakakibara is

to automatically communicate solely with a device (as argued by Appellant) Sakakibara also

teaches communication with a user (see for example column 15, lines 9-12 and column 19, lines

32-42). Clearly the Sakakibara suggests a situation which would allow the customer support

system to interact with the customer through a user interface and visa versa.

Based on this suggestion, Examiner maintains the position that the combination of

Sakakibara and Goldband render the claimed invention unpatentable. In other words, it would

have been obvious to one of ordinary skill in the art at the time of the invention to modify this

customer support system-customer interaction of Sakakibara to include a user interface and

survey as taught by Goldband.

b. Sakakibara does not collect customer response to open-ended queries; Sakakibara collects usage information and fault information.

Appellant is once again making the "open-ended" query argument. Examiner believes

the record is clear with respect to the Office's position on this matter and therefore references the

argument submitted above (section a.).

c. Sakakibara does not teach a customer satisfaction system; Sakakibara teaches a customer support system

Applicant asserts that Sakakibara is concerned solely with customer support and not

customer satisfaction. Examiner respectfully disagrees and points to Sakakibara column 1, lines

25-27 and lines 42-48 Examiner asserts that Sakakibara's teaching of "positively support the

customer" represents what Appellant defines as satisfaction (i.e. eliminate problems and thus ensure repeat business).

Appellant further asserts that the claimed invention measures, among other things, how well customer support is solving customer problems. Examiner notes that this feature is simply not claimed. There is no mention, in the claims, of measuring how well support is solving customer problems.

d. Combining the user interface of Goldband with the customer support system of Sakakibara does not produce Appellants' customer satisfaction system

Appellant appears to again argue that the claimed invention includes "open-ended" queries. As stated previously, Examiner believes the Office's position is clear with respect to this issue and therefore references the argument submitted above (section a.).

2. Claim 20

a. Neither Sakakibara nor Goldband teaches a system having an analysis module, such that the analysis module, responsive to a response from the customer that the problem has not been solved, opens a new customer problem

Appellant argues that not reference has been cited to teach the invention of Claim 21 (Examiner believes this is a typographical error and should be Claim 20). Appellant further asserts that it is not old and well known to open a new customer problem responsive to a customer's response that the problem has not been solved.

Examiner respectfully disagrees. First Examiner does not believe this is an appropriate

traversal of common knowledge statement as laid out in MPEP 2144.03(C). As such, Examiner

believes the common knowledge statements should stand as Admitted Prior art.

However, as facts asserted to be common knowledge in the art must be capable of instant

and unquestionable demonstration as being well-known Examiner has entered as evidence US

Publication No. US 2002/0087882 A1 to Schneier et al. Examiner points to page 7, paragraph

0096 which states:

> "Following ticket closure (for example, one or two days later), MSM service
> customer service personnel can send to the customer an incident survey to get the
> customer's comments regarding how the incident was handled . . . . If unresolved issues
> are discovered or there are problems that occurred due to the solutions provided by the
> security analyst, customer service can immediately reopen the ticket, route the call to
> security engineer, and inform appropriate SOC manager that the ticket need immediate
> handling."

Examiner believes that this passage represents instant and unquestional demonstration

that the claimed limitations were in fact old and well known in the art at the time of the present

invention to one of ordinary skill.

3. Claim 21

a. Neither Sakaibara nor Goldband teaches wherein an email query includes a yes link for
enabling a customer to respond in the affirmative to the query as to whether the customer has any
problems with goods or services provided by a provider that have not been resolved to the
customer's satisfaction and a no link for enabling a customer to respond in the negative, wherein
responsive to selection fo the yes link, the system displays an interface for receiving input from
the customer describing the problem that has not been resolved to the customer's satisfaction.

Appellant asserts that Figure 7 of Goldband which includes a link for "Very

Satisfied", "Somewhat Satisfied", "Neutral", "Somewhat Dissatisfied" and "Very Dissatisfied"

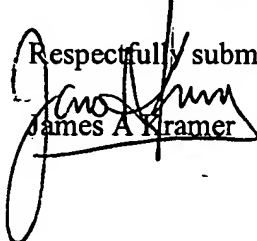does not represent a "yes" and "no" link for enabling a customer response in the affirmative or

the negative. Examiner respectfully disagrees. Examiner notes the links of Goldband clearly

represent affirmative and negative indications by the customer as to the service, as well as

providing a space for a user to describe the problem. It is the Examiner's position that this

affirmative and negative link represents a "yes" and "no" link as they "enable a user to respond

in the affirmative" and "in the negative".

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

James A Kramer   3|1|06

Conferees:

Alexander Kalinowski

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